



PLANNING COMMISSION & TOWN COUNCIL

Joint Work Session
Cape Charles Civic Center
April 15, 2024
6:00 PM

At 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Adam Charney present were Vice-Mayor Steve Bennett, Councilmen Ken Butta, Andy Buchholz, Paul Grossman, and Councilwoman Tammy Holloway. Councilman Andrew Follmer was not in attendance.

Chairman Stramm having established a quorum, called to order the Work Session of the Planning Commission. Present were Vice-Chairman Paul Grossman, Commissioners Bill Ashworth, Jim Holloway, Shannon Smith and Elizabeth Wright.

Staff in attendance were Town Manager John Hozey, Town Clerk Libby Hume, Director of Planning/Zoning Administrator Katie Nunez, Planning Administrative Assistant Maureen Tamares-Meditz. There were no members of the public in attendance.

APPROVAL OF AGENDA

Ms. Nunez asked to make few revisions to the agenda, stating that the Agenda packet has Attachments 1- 8 for discussion and also Definition Section. Attachments 9-12 are still in process.

Motion made by Councilman/Vice-Chairman Grossman seconded by Vice-Mayor Steve Bennett to accept the agenda eliminating Attachments 9-12 and adding Definitions. The motion was approved by unanimous consent.

ORDER OF BUSINESS

STAFF REPORT

Ms. Nunez started by saying that Planning & Zoning Administrative Assistant Maureen Tamares-Meditz will be leaving the department at the end of the week to take a full-time position at the Library. The Department will be a little short staff until the vacancy is filled.

Ms. Nunez read the Staff Report discussion was as follows:

Attachment 1: Demolition Policy

- Zoning Ordinance Section 8.21 – DEMOLITION: ALTERNATE PROCEDURE: OFFER TO SELL
 - Prior to approval of any application for demolition, ~~modification~~, moving, or removal of a contributing structure within the Cape Charles Historic District; ~~delete~~: modification and ~~change~~ with: **or raising**
 - Change numbering: there was double number 6. Change 6 to 7; and 7 to 8.
 - If the Town Council authorizes any such demolition or razing of said structure after the above procedures were complied with, then said demolition will proceed after ~~obtaining~~ applying for and obtaining approval from the Building Official. ~~Delete~~: obtaining as suggested by Councilman/Vice-Chair Grossman. All agreed.

Attachment 2: Proposed Outdoor Lighting Ordinance

Ms. Nunez started by saying that Cape Charles does not have a lighting ordinance that talks about Dark Skies. She also continued about Proposed New Section. Discussion was as follows:

PROPOSED NEW SECTION

Sec.____ Outdoor Lighting

§ 1.1.2 Applicability

- B. Outdoor lighting fixtures, legally installed and existing prior to.. *ADD: for commercial use.* Should read: Outdoor lighting fixtures, legally installed **for commercial use** and existing prior to..
- E. Light poles in all parking lots areas shall not exceed a maximum height of **25 feet** including the base. *All agreed to 25 ft.*
- G. Delete this whole sentence.

Attachment 3: Proposed Solar Panels

- Does the Town wish to allow for solar panels on commercial or industrial property as well as residential property? *The residential property should have the same standard as commercial and industrial property. All agreed.*

Attachment 4: Proposed Sidewalk Ordinance

Ms. Nunez read talked about sidewalk and emphasized about the *Town Council authorizing the Planning & Zoning Ordinance Administrator to require the construction and maintenance of sidewalks for infill development, pursuant to Cape Charles Zoning Ordinance Section ____ and for new subdivisions, pursuant to Cape Charles Zoning Ordinance Section 5.4.1.7.*

Ms. Nunez continued to say that she has not been requiring this but she has talked to a property owner to install a sidewalk and they complied without any argument. But she does not think that this is a way to do this, so she wanted to have this law that requires property owners to do this.

- New Section
§4.2 (____) – *Sidewalks for Infill Development.* On the second sentence... If lot is a corner lot, then sidewalk development ~~may~~ be.. *Change: may to shall as suggested by Councilman/Vice-Chair Grossman.*

Mr. Hozey asked since he is putting together a budget for next year, including the capital budget. He has a sidewalk project that keeps getting pushed off year after year because there is no sidewalk project to build on. Ms. Nunez replied that this requirement will cover the vacant lots so if the house is already there, they will be required to make one once they do a significant renovation. Ms. Nunez continued to say that the new bank will have sidewalks. It was discussed that the town could have a project to develop the neighborhood where there are no sidewalks and the town will pay for it.

Attachment 5: Proposed Language for ADA/Disability Consideration

- ACCOMMODATIONS RELATIVE TO the AMERICANS WITH DISABILITIES ACT (AD) and the FAIR HOUSING ACT
1) ~~You~~ have a disability as defined under the Americans with Disabilities Act (AD) or the housing is for people with disabilities; *DELETE: you, as suggested by Councilman/Vice-Chair Grossman. All agreed.*

2) ~~You~~ may need a reasonable accommodation to existing rules and regulations to have an equal opportunity to housing; ~~DELETE: you, as suggested by Councilman/Vice-Chair Grossman.~~ All agreed.

Attachment 6: Erosion and Sediment Ordinance Draft

§ 1.6 Submission and Approval of Plans; Contents of Plans

- *C. However, the VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure. If a violation occurs during the land-disturbing activity associated with the construction of the single-family detached residential structure, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber to the VESCP authority. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance-* Ms. Nunez said that she can invite Jeb Brady, Building Code Official if more discussion is needed regarding this section.

Attachment 7: HRDB Appeals to Town Council Consistency Review

- Ms. Nunez summarized this section and no corrections we made.

Attachment 8: Draft Sign Ordinance

ARTICLE __ - Signs

Ms. Nunez informed the Town Council that the Planning Commission had created charts for each Zoning District that is more customer-friendly. This will make it easier to find type of signs allowed by Zoning.

§ 2. Definitions

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the **effective date of this chapter** of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance. – *Ms. Nunez stated that the date will appear on this section once it has been voted on.*

§4 - Permit not required.

- 3. B. Town Seasonal Events. There was some discussion about this especially in trying to define what constitutes a town sponsored event/s. Mr. Hozey mentioned that he will work with Ms. Nunez about this to have a clearer definition.

§5 – Prohibited Signs

- A. General Prohibitions
 - 4. Vehicle or trailer signs. *Add: not stationary at same location.*

C. Prohibitions based on location.

- 4. Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section _____. – *Ms. Nunez will double check ion this to see if this is on the ordinance.*

§ 8 – General Requirements

- 2. No sign shall be permitted to have an illumination spread of more than ~~.05~~ foot candle at the lot line. *Change to:* .5. Ms. Nunez also mentioned that she will cross reference this to *Lightning Ordinance*.

§11 – Residential District Signs

- Permanent Non-Commercial: Max 2 minor signs (< 3 sf) each per ~~parcel~~ building unit. *Delete: parcel.*
- Note 1. Includes signs on property for sale. ~~Vacation rental signs are prohibited.~~ There was some differing opinions about the reason. It was agreed to DELETE: Vacation rental signs are prohibited.

§12 – Commercial District Signs. & Harbor District Signs

- Wall and Window Sign
 - Definition: Window sign means any sign visible outside the window and attached to ~~or within 18 inches in front of or behind~~ the surface of a window or door. *DELETE: or within 18 inches in front of or behind.* All agreed.
 - Location: Bldg. wall, or window. *ADD: door.* It should read as: Bldg. wall, window or door.

The evening's review stopped at Attachment 8 - Draft Sign Ordinance Section 12 - Commercial District Signs & Harbor Signs page 12. Next discussion would start on Section 13 - Heavy and Light Industrial District Signs page 13.

Ms. Nunez tried to get a schedule for the next Joint Work Session but due to time constraints and the weather condition it was agreed that Town Council and Planning Commission members will submit their vacation dates thru email for May and June so the Planning Department can coordinate the dates.

Motion made by Mayor Charney, seconded by Councilman Butta, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

Motion made by Councilman/Vice-Chair Grossman, seconded by Commissioner Smith, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The joint work session was adjourned at 7:58 p.m.

Mayor Adam Charney

Chairman Bill Stramm

Planning & Zoning Administrative Assistant